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16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEVADA

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2:19-MJ-00655-EJY

19 UNITED STATES OF AMERICA,

Case No.:

20 Plaintiff,

CRIMINAL COMPLAINT

21 vs.

Count One

18 U.S.C. § 922(a)(1)(A) – Engaging in
the Business of Dealing in Firearms
Without a License

22 JAYSON MICHAEL BABBITT

23 Defendant.

Count Two

18 U.S.C. § 922(o) – Illegal Possession of a
Machine Gun

Count Three

26 U.S.C. § 5861(f) – Making of a Firearm
in Violation of the National Firearms Act
(Machine Gun)

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Before the United States Magistrate Judge, Las Vegas, Nevada, the undersigned complainant, being duly sworn, deposes and states:

COUNT ONE

Engaging in the Business of Dealing in Firearms Without a License

18 U.S.C. § 922(a)(1)(A)

Beginning on or about June 17, 2019, and continuing up to and including September 3, 2019, in the State and Federal District of Nevada,

JAYSON MICHAEL BABBITT,

the defendant herein, not being a licensed dealer, importer, and manufacturer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in, importing, and manufacturing firearms, in that he did sell to another person a black firearm with an 8 ½ inch barrel, bearing no serial number, which automatically shoots more than one shot, without manual reloading, by a single function of the trigger, and a black firearm with a 16 inch barrel, bearing no serial number, which automatically shoots more than one shot, without manual reloading, by a single function of the trigger, all in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT TWO

Illegal Possession of a Machine Gun

18 U.S.C. § 922(o)

On or about July 24, 2019, in the State and Federal District of Nevada,

JAYSON MICHAEL BABBITT,

the defendant herein, did knowingly possess and transfer machine guns, to wit: a black firearm with an 8 ½ inch barrel, bearing no serial number, which automatically shoots more than one shot, without manual reloading, by a single function of the trigger, and a black firearm with a 16 inch barrel, bearing no serial number, which automatically shoots more

1 than one shot, without manual reloading, by a single function of the trigger, all in violation
2 of Title 18, United States Code, Sections 922(o) and 924(a)(2).

3 **COUNT THREE**

4 *Making of a Firearm in Violation of the National Firearms Act (Machine Gun)*
26 U.S.C. § 5861(f)

5 On or about July 24, 2019, in the State and Federal District of Nevada,

6 JAYSON MICHAEL BABBITT,

7 the defendant herein, knowingly made a firearm, to wit: a black firearm with an 8 ½ inch
8 barrel, bearing no serial number, which automatically shoots more than one shot, without
9 manual reloading, by a single function of the trigger, and a black firearm with a 16 inch
10 barrel, bearing no serial number, which automatically shoots more than one shot, without
11 manual reloading, by a single function of the trigger, which is a machine gun as defined
12 pursuant to Title 26, United States Code, Section 5845(a)(6) and (b), all in violation of Title
13 26, United States Code, Sections 5822, 5861(f), and 5871.

14 **PROBABLE CAUSE**

15 I, GREGORY PAINTON, Special Agent with the Bureau of Alcohol, Tobacco,
16 Firearms and Explosives, being duly sworn, hereby declare and state the following:

17 1. I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and
18 Explosives (hereafter, "ATF"), and as such, I am an "investigative or law enforcement officer
19 of the United States" within the meaning of Title 18, United States Code (U.S.C.), Section
20 2510(7); that is, an officer of the United States, who is empowered by law to conduct
21 investigations of and make arrests for offenses enumerated in Title 18, U.S.C., Section 2516.

22 2. I have been employed with ATF since May 2014. I am currently assigned to
23 the Las Vegas Field Division of the ATF where I am responsible for investigating federal
24 firearm violations and specializing in the reduction of violent crime, including gang activity

1 and narcotics violations. As an ATF Special Agent, I have successfully completed the
2 Criminal Investigator Training Program (CITP) and Special Agent Basic Training (SABT)
3 at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I have
4 approximately seven (7) years of prior law enforcement experience as a city Police Officer
5 within the state of Arizona, as well as a Criminal Investigator with the Nevada Attorney
6 General's Office.

7 3. During my professional training and experience, I have both assisted in and
8 conducted investigations into firearms and narcotic violations. I have also participated in
9 undercover operations, and in the execution of search warrants at locations associated with
10 these individuals. During the execution of search warrants, I have participated in the
11 recovery of evidence related to firearms and narcotic violations. Through this experience
12 and training, and based upon the experience of other Special Agents which have been relayed
13 to me, I have become familiar with the modus operandi of firearms traffickers, narcotics
14 traffickers, and illegal possessors of firearms and ammunition as enumerated herein.

15 4. I have been involved in an investigation, which is the subject of this Affidavit.
16 Due to my personal participation in this investigation and reports made to me by other ATF
17 Agents and other Law Enforcement Officers, I am familiar with all of the facts and
18 circumstances surrounding the investigation. My training and experience as a Special Agent,
19 including participation in this investigation, form the basis for opinions and conclusions set
20 forth below.

21 5. The facts in this complaint come from my personal observations, my training
22 and experience, and information obtained from other agents and witnesses. The following
23 information contained within this criminal complaint is based upon my participation in this
24 investigation or was provided to me by other law enforcement personnel. This complaint is

1 intended to show merely that there is sufficient probable cause for the requested complaint
2 and does not set forth all of my knowledge about this matter.

3 6. Based on the facts set forth in this affidavit, there is probable cause to believe
4 that violations of Title 18, United States Code, Section 922(a)(1)(A), Engaging in the
5 Business of Dealing in Firearms Without a License, Title 18, United States Code, Section
6 922(o), Illegal Possession of a Machine Gun, and Title 26, United States Code, Section
7 5861(f), Making of a Firearm in Violation of the National Firearms Act (Machine Gun) have
8 been committed by Jayson Michael BABBITT.

9 7. On or around June 17, 2019, the ATF Las Vegas Field Office learned, through
10 a Las Vegas Metropolitan Police Department (LVMPD) Confidential Informant (CI) that a
11 subject identified as Jayson Michael BABBITT was suspected of manufacturing and/or
12 converting full-automatic machine gun style firearms and offering them for purchase in the
13 Las Vegas, NV area.

14 8. On July 24, 2019 around 1500 hours, ATF and LVMPD conducted an
15 operation for LVMPD UC to purchase two (2) suspected AR-15 style machine-guns from
16 BABBITT. BABBITT agreed to meet UC at the Shell Gas Station, located at 8835 S Eastern
17 Ave., Las Vegas, Nevada. BABBITT stated that he had to run home and pick up the rifles
18 and would be right there. At approximately, 1535 hours, UC sent BABBITT a text message
19 stating that UC was at the La Tapatia Market at 8826 S Eastern Ave., instead of the Shell
20 Gas station. At approximately 1543 hours, BABBITT texted back stating that he is at the
21 Shell station and will be right over. A few moments later, BABBITT arrived in a Door Dodge
22 Truck, bearing Nevada License plate 530ZCF. BABBITT parked next to UC's vehicle and
23 entered the front passenger door of the UC vehicle.

1 9. BABBITT advised UC that the rifles were in his truck, but wanted to show
2 UC how BABBITT made the rifles first. BABBITT explained to UC that the firearms were
3 made from 80% lower receivers and that they were "Ghost Guns." BABBITT explained that
4 "Ghost Guns" means that the firearms do not have any serial numbers, so they do not exist
5 in the eyes of the ATF. BABBITT went on to explain that BABBITT made the firearms from
6 a block of aluminum with a "jig" at his home. BABBITT used one 8 ½ inch barrel and one
7 16 inch barrel along with M-16 machine gun parts to finish the firearm, and explained that
8 the M-16 parts will last longer. BABBITT used his cellular phone to show UC pictures of
9 the "jig" that BABBITT used to manufacture the firearms, along with a video of BABBITT
10 "test firing" the rifles to make sure they functioned. UC stated that the video showed an
11 unknown male subject shooting a rifle in 3-4 round spurts at a time.

12 10. BABBITT advised UC that BABBITT did not want to see these guns again
13 after UC takes them. UC acknowledged that the firearms were leaving the "States," meaning
14 the United States. BABBITT then exited the UC vehicle and retrieved a gun bag from the
15 rear seat of BABBITT's vehicle. BABBITT opened the rear door of the UC vehicle and
16 placed the bag in the back seat, before returning to sit in the front seat of the UC vehicle.
17 BABBITT retrieved two (2) rifles from the bag and began manipulating them to show UC
18 how to operate the firearms.

19 11. BABBITT explained to UC that if UC wanted real M-16 machine guns, it
20 would cost around \$25,000 each. BABBITT stated to the UC that the short barrel rifle was
21 illegal.

22 12. UC paid BABBITT \$4,200.00 cash for the two rifles. BABBITT told UC that
23 BABBITT was going to stock up on the parts to manufacture the rifles so it did not take as
24 long to make them for UC.

1 13. Law enforcement surveillance units subsequently followed BABBITT to a
2 residence located at 2194 Haypenny Ct., Las Vegas, Nevada 89123, and BABBITT entered
3 the residence.

4 14. On June 17, 2019, I had queried if BABBITT possessed a Federal Firearm
5 License (FFL) to engage in the business of manufacturing or dealing firearms, which
6 returned a negative result. Furthermore, upon information and belief BABBITT has not
7 registered, paid tax on, and obtained approval to make and possess the firearms that he sold
8 to UC.

9 15. On June 17, 2019, a criminal history query revealed that BABBITT is not a
10 convicted felon.

11 16. On August 1, 2019, the firearms purchased from BABBITT on July 24, 2019
12 were examined through the ATF Firearms Technology Criminal Branch. Both firearms were
13 tested and found that they shoot automatically more than one shot, without manual
14 reloading, by a single function of the trigger. Therefore, both firearms are defined as machine
15 guns under the National Firearms Act, Title 26, United States Code Section 5845(b).

16 17. The barrel measurements on one of the firearms purchased from BABBITT on
17 July 24, 2019 revealed it is just under 10 (ten) inches in length which meets the description
18 of a Short Barrel Rifle under the National Firearms Act, Title 26, United States Code Section
19 5845(a)(3), as having a barrel of less than 16 (sixteen) inches in length.

20 18. On August 29, 2019, BABBITT contacted UC stating that BABBITT needed
21 money and offered to sell UC a handgun for \$1,200.00. UC and BABBITT agreed on a sell
22 price of \$1,000.00. Due to UC being unavailable to purchase the firearm from BABBITT,
23 UC told BABBITT that UC's "boy" would pick it up the following day, August 30, 2019.

1 19. On August 30, 2019, ATF conducted an operation for ATF CI-7778 to
2 purchase the handgun from BABBITT. ATF CI contacted BABBITT on phone number
3 (702) 720-8614. ATF CI and BABBITT agreed to meet in the parking lot of the Las Vegas
4 Athletic Club, located at 9065 S Eastern Ave, Las Vegas, NV 89123.

5 20. At approximately 1314 hours, ATF CI met with BABBITT, who arrived in a
6 Green colored Dodge Challenger, bearing Nevada License plate VAP555, and purchased a
7 handgun style firearm (Manufacture: Sig Sauer, Model: P229, Caliber: 9mm, Serial:
8 55B069447) for \$1,000.00.

9 21. On September 3, 2019, ATF and LVMPD conducted an operation for
10 LVMPD UC to purchase three (3) additional AR-15 style machine guns from BABBITT.
11 UC coordinated to meet BABBITT in the parking lot of 8826 S Eastern Ave., Las Vegas, NV
12 89123 to purchase the three (3) machine guns for \$6,000.00.

13 22. At approximately 1215 hours, UC met BABBITT at the predetermined
14 location. BABBITT arrived in the green colored Dodge Challenger, bearing Nevada license
15 plate VAP555, and parked next to UC's vehicle.


16 23. BABBITT exited his vehicle with a large gun bag and entered the front seat of
17 UC's vehicle. BABBITT explained to UC how BABBITT manufactured the firearms.
18 BABBITT inquired how many additional machine guns UC would want. UC advised
19 BABBITT that UC would want five (5) machine guns with each order. BABBITT stated
20 that he was going to buy a machine that would allow him to make the gun parts easier and
21 quicker.

22 24. UC paid BABBITT \$6,000.00 in pre-recorded currency for the three (3)
23 suspected machine guns.

25. Immediately following the operation, BABBITT was taken into custody. BABBITT was read his "Miranda Rights" and admitted to manufacturing the machine guns at his residence, 2194 Haypenny Ct., Las Vegas, NV 89123.

CONCLUSION

Based upon the foregoing facts, I respectfully submit that there is probable cause to believe that violations of Title 18, United States Code, Section 922(a)(1)(A), Engaging in the Business of Dealing in Firearms Without a License, Title 18, United States Code, Section 922(o), Illegal Possession of a Machine Gun, and Title 26, United States Code, Section 5861(f), Making of a Firearm in Violation of the National Firearms Act (Machine Gun) have been committed by Jayson Michael BABBITT.


GREGORY PAINTON, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Subscribed and sworn to before me this 4th day of September, 2019.


HONORABLE ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE